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10/574,170	01/10/2007	Bruno Bozionek	2003P13552WOUS	4107

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/574,170	BOZIONEK ET AL.	
	Examiner	Art Unit	
	VERNIQUE T. LEATHERS	4121	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>March 29, 2006</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 43 are presented for examination. The effective filing date for the

subject matter defined in the pending claims in application 10/574170 is March 29,

2006. Claim to foreign priority date is September 29, 2003. Claims 1-23 were cancelled

in preliminary amendment.

Claim Objections

2.   Claim 28 objected to because of the following informalities: The limitation "and is

included the request" is not grammatically correct. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3.   Claims 35-41 rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 35, for example, recites a " server". The

scope of a "server" is not limited to a hardware device, but rather encompasses a

software-only implementation. Software is not statutory because it is simply abstract

ideas and is not directed to a process occurring as a result of executing the software on

an actual physical device. For a claim like this to be statutory, an actual hardware

device is required. These claims do meet this criterion and are therefore deemed non-

statutory. **See MPEP Chapter 2106.01 Section I.**

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Regarding claim 28 the term "equal or greater than" is unclear and leave the reader in

doubt as to the meaning of the technical features to which they refer, thereby rendering

the definition of the subject-matter of said claims unclear. The term "equal or greater

than", is a relative term which renders the claim indefinite. The term " equal or greater

than", is not defined by the claim, the specification does not provide a standard for

ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign
> country or in public use or on sale in this country, more than one year prior to the date of
> application for patent in the United States.

Claims 24 – 30 are rejected under 35 U.S.C. 102 (b) as being anticipated by Roberts et

al. (US Patent No.: 6920110).

 As per claim 24, Roberts discloses a method for transmission of software for a

performance characteristic on demand, the software transmitted to a terminal from a

server in a packet network, the method comprising:

triggering a bandwidth test via a load request of the performance characteristic;

determining if a present bandwidth is sufficient for transmission of the demanded

software within a specified time limit; (Roberts,

> Column 3, lines 3-8 states:
> The method includes the steps of monitoring the level of actual network
> bandwidth utilization and identifying an average monitored level of actual
> utilization. Then, the method calculates the size of a data block to be
> transferred as a function of current activity and bandwidth threshold. A
> block of the computed size is then downloaded.
>
> Column 3, lines 12-14 states:
> The first data field contains data representing a timestamp corresponding
> to the sample time of network utilization.)

and inhibiting the transmission of the demanded software if the

bandwidth test determines that the present bandwidth is insufficient.

(Roberts,

> Column 10, lines 6-12 states:
> Thus, if the first client 86A were utilizing 40 Kbps of the network bandwidth
> at the same time the second client 86B is utilizing only 5 Kbps of the
> bandwidth, there would not be sufficient network bandwidth available to
> download a set of data (e.g., a software update) from the server 82 to
> either client without degrading their other network activity.)

As per claim 25, Roberts discloses the method according to claim 24, wherein a

required bandwidth is calculated according to a specified upper limit for a transmission

time. (Roberts,

> Column 8, lines 24-29 states:
> At T.sub.1, the level of actual bandwidth usage is 15 Kbps, which is a new
> maximum, so the threshold 92 is set to 5 Kbps. The level of actual
> bandwidth usage is again sampled at T.sub.2, and another new maximum

of 30 Kbps is identified. Consequently, the new threshold 92 is calculated
to be 10 Kbps.)

As per claim 26, Roberts discloses the method according to claim 25, wherein the

required bandwidth is available to the terminal and is included the request. (Roberts,

Column 9, lines 28-34 states:
Once the client is connected to the same network as the server, the level
of actual network bandwidth utilization is obtained at step 122. As shown
in FIG. 4, the actual usage is sampled periodically (e.g., every five
seconds). Preferably, this is done by tracking the number of incoming and
outgoing packets over a given time period (e.g., one second) at the
communications interface between the client and the network.

Column 9, lines 38-40 states:
Relatively large files provide a more accurate basis for measuring the level
of actual network bandwidth usage at the network interface.)

As per claim 27, Roberts discloses the method according to claim 26, wherein the

server has access to the requested software and the required bandwidth. (Roberts,

Column 2, lines 57-62 states:
Then, the method issues to the server process a further download request
which is associated with the file and which requests that the server
process download a further segment of the file over the network, provided
the actual network bandwidth utilization is less than a threshold level.)

Referring to claim 28, Roberts discloses the method according to claim 27,

wherein the bandwidth test provides a positive test result if the bandwidth is suitable for

a realtime application or wherein the bandwidth test provides a positive test result if the

bandwidth is suitable for a substantially realtime application or wherein the bandwidth

test indicates a sufficient bandwidth which is equal or greater than the required

bandwidth. (Roberts,

Column 2, lines 39-49 states:
The first component is a bandwidth monitoring component which monitors
the level of actual bandwidth utilization for a network connection and

identifies a maximum monitored level of utilization. The second
component is a threshold calculating component which calculates a
threshold level of utilization as a function of the maximum monitored level
of utilization identified by the first component. The third component is a
transfer management component which manages the transfer of data over
the network when the level of actual bandwidth utilization is less than the
threshold level of utilization)

Referring to claim 29, Roberts discloses the method according to claim 27, wherein

information regarding the present bandwidth is made available by a network resource

manager and is updated on request by the server or after a period of time. (Roberts,

Column 7, lines 42-52 Figure 4 states:
The server 82 is a website accessible over the Internet for downloading
software updates for the operating system of the PC. Referring to FIG. 4,
a curve 90 represents the level of actual network bandwidth utilization for
a client PC accessing the Internet over a period of time. The curve 90
rises from $T.sub.0$ through $T.sub.2$ to reflect the flurry of network activity
which typically occurs as the user initially accesses the Internet. Then,
after a brief decrease in network activity at $T.sub.3$, the client's actual
utilization again rises dramatically to a peak at $T.sub.4$.)

As per claim 30, Robert discloses the method according to claim 29, wherein the

manager manages priorities for bandwidth demands, and wherein if the required

bandwidth is less than present bandwidth for the transmission, the manager:

determines a difference between the required bandwidth and the present bandwidth;

(Roberts,

Column 8, lines 43-45 and Figure 4 states:
This time, the level of actual usage 90 remains between 5-10 Kbps, which
is less than the threshold level of 15 Kbps, from $T.sub.5$ to $T.sub.8$.)

finds at least one process having a lower priority than a process requesting the

bandwidth and a bandwidth that at least equals the difference; and allocates the

bandwidth of the lower priority process to requesting process so that the requesting

process has a bandwidth at least equal to the required bandwidth. (Roberts,

> Column 8, lines 43-45 and Figure 4 states:
> Consequently, if any data transfer were initiated at T.sub.3, then it would
> be immediately suspended at T.sub.4. At T.sub.5, the actual usage 90
> once again drops below the threshold level 92. This time, the level of
> actual usage 90 remains between 5-10 Kbps, which is less than the
> threshold level of 15 Kbps, from T.sub.5 to T.sub.8. Thus, the transfer of
> data over the network would not interfere with other network activity during
> this time period.)

Claims 35 – 41 are rejected under 35 U.S.C. 102 (b) as being anticipated by Nielsen et

al. (US Patent No.: 6968379 B2).

Regarding claim 35, Nielsen discloses a server in a communication network,

comprising an available bandwidth memory that stores bandwidth data for a terminal

connection; (Nielsen,

> Column 1, lines 65-67 and Column 2, lines 1-3
> The invention is directed to computer apparatus, such as that found at a
> server, for allocating communications bandwidth to a plurality of user
> connections. The apparatus includes a processor configured to allocate
> communications bandwidth to said user connections based on at least one
> set of priorities.)

 a performance characteristic providing device having a performance characteristic

memory that stores software and access to the available bandwidth memory; (Nielsen

> Column 4, lines 48-53 and Figure 3 states:
> FIG. 3 is an illustration of bandwidth allocation from a network server to
> several clients. The network server 300 has a predetermined amount of
> bandwidth N 310 which it must divide 320, 330, 340 and 350 between
> multiple clients 360, 370, 380, and 390. Note that the bandwidth allocation
> each client receives varies.
>
> Column 4, lines 56-62 and Figure 4 states:

FIG. 4 is a database schema organized as an exemplary way for storing file-type priorities. The table has two columns: File Type 400 and Priority 410. An HTML file 420 will have a priority of 4 (430). A style sheet 440 will have a priority of 3 (450). Priority 2 470 is reserved for future use. GIF 480 and JPG files 490 both have priorities of 1 (485 and 495).)

an interface from the device to a terminal through which the software is transmitted to the terminal, the interface that receives a loading inquiry message, wherein the loading inquiry message initiates a broadband test to determine whether to transmit the software in accordance to the message if the result of the bandwidth test indicates an available bandwidth is suitable for transmitting the software. (Nielsen, Figure 7B Column 6 lines 32-58: a client having an associated GIF file transmitted to will have an additional bandwidth added because all of allocation bandwidth associated with that client has been used, for example, unused bandwidth percent is 0%)

As per claim 36, Nielsen discloses the server according to claim 35, further comprising a bandwidth demand memory that stores a required bandwidth for a performance characteristic to be used in the broadband test. (Nielsen, Figure 7B Column 6, lines 32-58: Nielsen discloses a method that seeks to utilize all portions of available bandwidth).

Referring to claim 37, Nielsen discloses the server according to claim 36, further comprising a maximum available bandwidth for the terminal connection to be used in additional or alternative broadband tests. (Nielsen

Column 5, lines 64-67 and Column 6, lines 1-3 states:
FIG. 7A is a flowchart of a procedure for dynamic bandwidth allocation by the server. The procedure begins by initializing several variables: MaxBW is set to the maximum bandwidth available to the server, COUNT is set to the number of rows in the AUT (i.e., the number of current connections), SumOfPriorities is set to zero, and index I (a loop counter) is set to one (700).)

As per claim 38, Nielsen discloses the server according to claim 36, further comprising

a network resource allocation device operatively connected to the performance

characteristic providing device and operatively connected to the available-bandwidth

memory, wherein the network resource allocation device allocates bandwidth for the

loading inquiry and accordingly update the available bandwidth memory or wherein the

network resource allocation rejects the loading inquiry. (Nielsen

> Column 5, lines 16-23 states:
> Following a new request 605 the requested file name and its associated
> priority based on its file-type are placed into the AUT and the recalculation
> variable is set to TRUE (610). Then the recalculation of bandwidth
> allocation algorithm is invoked (650) which updates the AUT, then the
> AUT is used to provide parameters to the bandwidth allocator (655) and
> the monitoring loop resumes 600.)

Referring to claim 39, Nielsen discloses the server according to claim 38, wherein the

network resource allocation device is operatively connected to a network resource test

device operatively connected to the available bandwidth memory at the terminal

connection in order to determine and store a current bandwidth. (Nielsen

> Column 6, lines 27-31 states:
> If all the rows have been processed (735) then the AUT has been
> completely updated and is ready for use by the bandwidth allocator in FIG.
> 6 at 655 and the process is terminated (750))

Regarding claim 40, Nielsen discloses the server according to claim 38, wherein the

network resource allocation device is operatively connected to a network resource

allocation memory that stores bandwidth data that is allocated via a process and stores

a priority of the process, (Nielsen

> Abstract states:

Communications bandwidth available to network servers and computers running client processes is allocated among connections available to those devices based on sets of priorities. Those priorities include type of information being retrieved, how fast user connections can receive information, which part of a document is being transmitted, user identity, stored indicia indicating importance of the document and the state of application processes running on said computer.

Column 1, lines 37-40 states:
The prioritization scheme is driven by the need to render a viewable page as quickly as possible so that the user may begin reading it.)

the network resource allocation device redistributes bandwidth

depending on the process priority and the loading inquiry message to provide

the suitable bandwidth for the loading inquiry message. (Nielsen

Abstract states:
Bandwidth is reallocated on an event driven basis upon arrival of a new request for retrieval, finishing sending information in response to a retrieval request, cancellation of a retrieval request, detection of the inability of a user connection to use all of the bandwidth allocated to it, a change of priority and timeout of a timer.)

Regarding claim 41 Nielsen discloses the server according to claim 40, wherein the

network resource allocation device is operatively connected to a network resource

inquiry memory that stores data on a request bandwidth in order to manage regular

computer functions like the process having no bandwidth presently allocated. (Nielsen,

Figure 7B Column 6 lines 32-58: a client having an associated GIF file transmitted to

will have an additional bandwidth added because all of allocation bandwidth associated

with that client has been used, for example, unused bandwidth percent is 0%)

Claims 42 – 43 are rejected under 35 U.S.C. 102 (b) as being anticipated by Purpura et

al. (Pub No.: US 20030043846 A1).

As per claim 42, Purpura discloses a terminal for data processing in a communications

packet network, comprising:

a user interface having a display of performance characteristics; a performance

characteristics loading device that is operatively connected to a server via the network;

(Purpura

> Paragraph [0024], lines 1-6 states:
> If the user can not access the signal at the minimum speed, the user is
> allowed to log on to server system 12 for local use only, as indicated at
> step 120, and is notified that the user will be given access to the signal as
> soon as there is sufficient bandwidth to allow access at the minimum
> speed.)

and a rejection of a loading inquiry for a requested performance characteristic, the

rejection sent by the server, wherein the user interface is adapted to modify the display

of the requested performance characteristic after the rejection. (Purpura

> Paragraph [0032], lines 3-20 states:
> Upon receiving the request to route the e-mail message, server 14
> executes the e-mail sub-routine, thereby determining, at step 256, whether
> the e-mail message contains an attachment. If it is determined that the e-
> mail includes an attachment, the e-mail sub-routine determines, at step
> 260, whether the attachment exceeds a predetermined size limit. If the
> attachment exceeds the predetermined size limit, server 14 determines, at
> step 264, whether the attachment can be stripped from the e-mail
> message. If the attachment can be stripped, the attachment is striped, as
> indicated at step 268, and the e-mail is routed to the recipient along with a
> notification that the attachment has been deleted, as indicated at step 272.
> If the attachment cannot be stripped, routing of the e-mail is terminated, as
> indicated at step 276, and a message sent to both the initiator of the e-
> mail and the intended recipient, informing the initiator and recipient that
> routing of the e-mail has been terminated, as indicated at step 280.)

Referring to claim 43, Purpura discloses the terminal according to claim 42

wherein the requested performance characteristic is highlighted or

wherein the requested performance characteristic is omitted. (Purpura

Paragraph [0032], lines 12-15 states:
If the attachment exceeds the predetermined size limit, server 14
determines, at step 264, whether the attachment can be stripped from the
e-mail message. If the attachment can be stripped, the attachment is
striped, as indicated at step 268, and the e-mail is routed to the recipient
along with a notification that the attachment has been deleted, as
indicated at step 272.)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

Claims 31-34 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Roberts

et al. (US Patent No.: 6920110) in view of Purpura et al (US 20030043846 A1

hereafter; Purpura '846).

As per claim 31, all the limitations of claim 29 have been discussed above. However,

Roberts does not disclose if the required bandwidth is

less than an existing bandwidth for the transmission a message is sent to the

terminal, wherein the message includes a rejection or a rejection of the load

request.

On the other hand, Purpura '846 teaches if the required bandwidth is

less than an existing bandwidth for the transmission a message is sent to the

terminal, wherein the message includes a rejection or a rejection of the load

request. (Purpura,

>Paragraph [0035], lines 3-13 and Figure 4 states:
>When there is insufficient bandwidth available for the FTP session, the
>session is blocked, at step 344, and the user is instructed to try initiating
>the session at a later time. If the file size can not be established, the sub-
>routine determines, at step 348, whether there is a predetermined
>minimum amount of bandwidth available. If it is determined that there is a
>minimum amount of available bandwidth, the session is allowed, at step
>352, otherwise the session is blocked and the user is notified that the
>session has been blocked, as indicated at step 356.)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate if the required bandwidth is less than an existing bandwidth for the

transmission a message is sent to the terminal, wherein the message includes a

rejection or a rejection of the load request as taught by Purpura '846 in the invention of

Roberts in order to provide a system that determines whether sufficient available

bandwidth exists to support the requested connection and sending messages to notify

a user of insufficient bandwidth to support the connection so that the user is aware of

the current status of the request.

Regarding claim 32, all the limitations of claim 31 have been discussed above.

However, Roberts does not disclose the message is shown to a user of a terminal.

On the other hand, Purpura '846 inherently teaches the message is shown to a user of

a terminal. (Purpura,

>Paragraph [0019], lines 6-9 states:
>The users utilize client systems 18 to communicate with server 14. Initially
>users log on to server system 12 to establish a communication link with
>server 14 and enable access to network system 10 and the broadband
>signal.

>Paragraph [0035], lines 17-27 and Figure 4 states:

When there is insufficient bandwidth available for the FTP session, the
session is blocked, at step 344, and the user is instructed to try initiating
the session at a later time. If the file size can not be established, the sub-
routine determines, at step 348, whether there is a predetermined
minimum amount of bandwidth available. If it is determined that there is a
minimum amount of available bandwidth, the session is allowed, at step
352, otherwise the session is blocked and the user is notified that the
session has been blocked, as indicated at step 356.)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate the message is shown to a user of a terminal as taught by Purpura '846

in the invention of Roberts in order to provide a system that notifies the user of

bandwidth availability.

As per Claim 33, all the limitations of claim 31 have been discussed above. However,

Roberts does not disclose generating a subsequent load request in response to a

temporary rejection of the load request. On the other hand, Purpura '846 teaches

generating a subsequent load request in response to a temporary rejection of the load

request. (Purpura,

Paragraph [0024], lines 1-6 and Figure 2 states:
If the user can not access the signal at the minimum speed, the user is
allowed to log on to server system 12 for local use only, as indicated at
step 120, and is notified that the user will be given access to the signal as
soon as there is sufficient bandwidth to allow access at the minimum
speed.

Paragraph [0025], lines 1-5 Figure 2 states:
When a user is logged on for local use only, server system 12 monitors
the signal, as indicated at step 128, until there is sufficient bandwidth
available to provide the predetermined minimum data transfer rate, then
allows the user to fully log on, as indicated at step 132.)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate generating a subsequent load request in response to a temporary

rejection of the load request as taught by Purpura '846 in the invention of Roberts in

order to provide a system that allows a user to establish a connection at another time

when there is sufficient bandwidth.

As per Claim 34, all the limitations of claim 31 have been discussed above. However,

Roberts does not disclose wherein a permanent rejection is generated by at least one

temporary rejection or a comparison of the required bandwidth with a maximum

available bandwidth. On the other hand, Purpura '846 teaches wherein a permanent

rejection is generated by at least one temporary rejection or a comparison of the

required bandwidth with a maximum available bandwidth. (Purpura,

> Paragraph [0035], lines 17-20 and Figure 4 states:
> When there is insufficient bandwidth available for the FTP session, the
> session is blocked, at step 344, and the user is instructed to try initiating
> the session at a later time.)

> Paragraph [0035], lines 23-27 and Figure 4 states:
> If it is determined that there is a minimum amount of available bandwidth,
> the session is allowed, at step 352, otherwise the session is blocked and
> the user is notified that the session has been blocked, as indicated at step
> 356.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate wherein a permanent rejection is generated by at least one temporary

rejection or a comparison of the required bandwidth with a maximum available

bandwidth as taught by Purpura '846 in the invention of Roberts in order to provide a

system that will the user access to the server when sufficient bandwidth is available.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernique T. Leathers whose telephone number is (571)270-5738. The examiner can normally be reached on Monday through Thursday, from 7:00am to 5:30pm, Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V.T.L./
Vernique Leathers
Examiner, Art Unit 4121
September 13, 2008

/Ramy M Osman/
Primary Examiner, Art Unit 2157